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Patents
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

8/13/92

In re application of : FENN, et al

Serial No. 07/911,405

Filing Date: July 10, 1992

Attorney Docket No. 840.004

For: METHOD OF PRODUCING MULTIPLY CHARGED IONS
AND FOR DETERMINING MOLECULAR WEIGHT OF
MOLECULES BY USE OF THE MULTIPLY CHARGED
IONS OF MOLECULES

PETITION UNDER RULE 60(b)
TO ACCORD A FILING DATE

Hon. Commissioner of Patents
& Trademarks
Washington, D. C. 20231

Office of Assistant Commissioner of Patents
Crystal Park Bldg. #2, Rm. 919

Attention: Mr. John Gonzales

Sir:

This is a Petition made under 37 CFR 60(b). The Petition fee under 37 CFR 1.17(i)(1) of \$140.00 is enclosed herewith. In the event that the fee is considered deficient, the undersigned hereby authorizes the Commissioner to charge our Deposit Account No. 02-2105 for any such deficiency or balance due.

Applicant respectfully requests that a filing date be accorded to the captioned application as of the date of deposit, namely, July 10, 1992. The request for filing a

divisional application under 37 CFR 1.60, along with the papers identified in the request, were deposited with the U.S. Postal Service bearing Express Mail Certificate No. RB 837976777. This was done consistent with 37 CFR 1.10. A Certificate of Mailing by Express Mail was included with the original papers. The date of deposit of the request and papers was July 10, 1992 and, accordingly, we respectfully request that the filing date for these documents and, in particular, the divisional application be that date.

The filing by Express Mail is not, however, the basis for this Petition. Rather, applicant received a Notice of Incomplete Application (copy enclosed) because the original request under 37 CFR 1.60 did not include a copy of the signed Oath or Declaration filed in the great grandparent application. The absence of the copy of the original Declaration was an administrative oversight. However, applicant did submit, the most recently filed Power of Attorney in favor of the undersigned attorney in lieu of the copy of the originally signed Declaration and Power of Attorney.

Applicants respectfully request that the U.S. Patent and Trademark prepare a copy of the original Declaration filed in the original application, U.S. Serial No. 354,393 filed May 19, 1989 (now abandoned) and place such copy in this file.

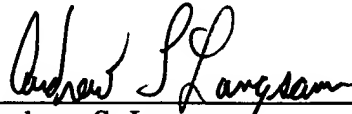
Applicants respectfully request the July 10, 1992 filing date for this application, and that the application be deemed a divisional of U.S. Application Serial No. 773,776 filed October 10, 1991, now U.S. Patent No. 5,130,538 issued July 14, 1992, which itself was a file wrapper continuation of U.S. Patent Application 07/683,105 filed April 10, 1991, which was a file wrapper continuation application of U.S. Patent Application Serial No. 07/354,393 filed May 19, 1989, the latter two applications now being

abandoned.

Applicant wishes to thank Mr. John Gonzales for the courtesies extended during the telephone conference of August 10, 1992 concerning this matter.

Respectfully submitted,

LEVISOHN, LERNER & BERGER

A handwritten signature in cursive script, appearing to read "Andrew S. Langsam", is written over a horizontal line.

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ASL/jq